UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,22 and 23* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20, 22-23* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the Applicant's response filed 4/25/08.

As indicated in Applicant's response, claims 1, 9, 12, 22 have been amended, claim 21

canceled, and claim 23 added. Claims 1-20, 22-23 are pending in the office action.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chamberlain, USPN: 6,427,227 (hereinafter Chamberlain) in view of Dennis Faas "The Ultimate

Program and Driver Install Guide", Infopackets Gazette: Feb. 01, 2002, pg. 1-11 (hereinafter

Faas).

As per claim 1, Chamberlain discloses a method of installing a software product in a

computer that performs a predetermined function, the method comprising:

installing in the computer the product (product, component, key file - col. 6 line 62 to col.

7 line 25) using the product driver file provided from the outside (package file 213 - col. 7 line

26 to col. 8, line 9; Fig. 2; col. 9, lines 37-47 – Note: package with *component, resources, key file*

reads on product driver file - col. 6 line 62 to col. 7 line 25), wherein the product driver file

includes the function to install the product in the computer (e.g. col. 8, lines 10-17, col. 8, lines

51 to col. 9, lines 22 – Note: key file based on tokens registered to point to Winword.exe reads

on package file component having function to enable *Winword* product);

copying and storing the product driver file in the computer after the installing of the

product using the product driver file (e.g. *available for future installation or patching* - col. 10

lines 37-65; step 412, Fig. 4; into memory – col. 7 lines 54-55), the product driver file being

stored in the computer to reinstall the product without providing the product driver file from the

outside (Fig. 5, Fig. 7); and reinstalling the product using the stored product driver file (step 412,

Fig. 4; step 709 – Fig. 7; Fig. 5; reinstalls step 509 - col. 14 lines 50-65; step 709 - Fig. 7).

But Chamberlain does not explicitly disclose that the product is a device driver; nor does

Chamberlain disclose that the product driver file is a device driver file. By the time the invention

was made, reinstalling of device or software driver using Microsoft installer, as in Chamberlain,

to upgrade a driver with dialog box presenting user with option to select installation features as

in Chamberlin (col. 7 lines 65 to col. 8, line 9) or to repair a previously installed product (

alternative source locations – col. 10 lines; *prompt user* – col. 14 lines 56-65) was a known

concept. In an analogous approach, Faas discloses installation of downloaded device driver (see

Faas: pg. 2) and running a Microsoft Device Manager asking the user to specify a location of a

stored driver for reinstallation (Faas: DEVICE MANAGER, REINSTALL DRIVER, SPECIFY

LOCATION – pg. 5 to pg. 7, top). In view of capabilities known in a Microsoft platforms

requiring Windows registration of both installed software and hardware components, all of

which prone to events requiring update/repair or reinstallation as taught in Faas or Chamberlain,

it would have been obvious for one skill in the art at the time the invention was made to

implement Chamberlain's reinstallation or patching method using Microsoft so that the product

to install or to update applies to a device driver, i.e. the product driver file to copy over to the

target computer for reinstallation or repairing being a device driver file as suggested in Faas,

because, and via Microsoft installation with key and path registering as in Chamberlain, enabling

enumeration of registered product, device driver update being managed as illustrated in Faas

based on the same Microsoft registration via a Device Manager would fall under the above

approach for patching by Chamberlain to support functionality of Windows system such as 95,

98, NT and ME users as illustrated in Faas (see pg. 2, bottom).

As per claim 2, Chamberlain (in view of Faas) discloses re-installing the device driver in

the computer using the stored device driver file when re-installation of the device driver is

requested (e.g. col. 14 lines 56-65 -Note: user interface with user option – see step 601 Fig. 6

reads on request for re-installation).

As per claim 3, Faas discloses a iconic option (e.g. select UPDATE DRIVER – pg. 6,

top) for enabling update in Device Manager, and in view of the rationale set forth in claim 1, the

step of 'generating an icon for re-installation of the device driver after the device driver file is

copied and stored' would have been obvious because of the user' selection as set forth in claim 2.

As per claim 4, Microsoft-based installation followed by rebooting was a well-known

concept (see Faas: *require a reboot* – bottom, pg. 4) wherein the installing of the device driver

further comprises re-booting the computer after the device driver file is copied and stored; that is,

the reboot feature being obvious in the Windows system by Chamberlain.

As per claim 5, Chamberlain discloses using user's selection for reinstalling a device

driver (re claim 2) based on registration information discovery and user selection for finding a

key file (see *key file 230, keypath* - col. 12 line 1 to col. 13 lines 40) hence has disclosed:

determining whether the device driver is requested to be re-installed in the computer;

whether a previously installed device driver exists in the computer, when determined that the

device driver is requested to be re-installed in the computer;

but does not explicitly disclose:

uninstalling the previously installed device driver, if determined that the previously

installed device driver exists in the computer; preparing for reinstallation of the device driver in

the computer using the stored device driver file, when determined after the previously installed

device driver is uninstalled; and re-installing the device driver in the computer using the stored

device driver file. But based on well-known practice in Windows installation such that when a

fresh version re-installation is to take place, a clean install should be effectuated only after a

uninstall of the previous remnant of the older version; and based on Chamberlain depicting that

component of product should be installed or uninstalled as one unit (see col. 7 lines 16-19), it

would have been obvious for one skill in the art at the time the invention was made to implement

Chamberlain's reinstallation so that components from a previous version would have to be

removed before a fresh version takes place, in order to obviate conflicting invocation of

components unsuitably allocated for a chosen version.

As per claim 6, Chamberlain (in view of Faas) discloses

registering a location (keypath - col. 12 line 1 to col. 13 lines 40) where the device driver

file is stored, after the previously installed device driver is uninstalled (refer to claim 5); and

re-booting the computer (refer to claim 4) and preparing for reinstallation of the device

driver in the computer using the stored device driver file, according to the location of the device

driver file (Fig. 5-7 – Note: retrieving of program files based on key reads on preparing based on previously copied program file and components - refer to claim 1),

wherein the preparing for reinstallation of the device driver in the computer using the stored device driver file comprises preparing for re-installation of the device driver in the computer using the stored device driver file, when determined that the previously installed after the computer is re-booted (refer to claim 4).

As per claim 7. Chamberlain does not disclose wherein the re-installing of the device driver further comprises re-booting the computer after the device driver is re-installed in the computer; but based on Microsoft well known practice, the rebooting after a first installation or a re-installation would have been obvious for the same reasons set forth in claim 4.

As per claim 8, Device manager by Faas discloses wherein the device predetermined function is at least one printing, scanning, faxing, and digital image taking functions (see pg. 6); hence device driver for function like printing, scanning or network adapting would have been obvious by virtue of the rationale in claim 1.

As per claim 9, Chamberlain computer installing an application software product that performs a predetermined function, the computer comprising:

a first driver installation unit installing in the computer the product using a product file provided from the outside while storing the product file in the computer (refer to claim 1), wherein the product file includes the function to install the product (refer to claim 1) in the computer without providing the product file from the outside; and

a second driver installation unit, which re-installs the product in the computer using the stored product file (refer to claim 1) provided from the first driver installation unit when re-installation of the product is requested.

But Chamberlain does not disclose that the (application software) product is device driver and that the product driver file is device driver file; but this limitation has been addressed in claim 1.

As per claim 10, Chamberlain (in view of Faas) discloses wherein the first driver installation unit comprises:

a file examination unit, which examines whether the device driver file is input and outputs an examination result as a first control signal (user initiates installation - col. 7 lines 45-53 - Note: acknowledging user directives reads on first control signal; Fig. 4);

a first installation preparing unit, which prepares for installation of the device driver in response to the first control signal and outputs a preparation completion signal (e.g. presents the user with the option – col. 7 line 62 to col. 8 line 4; Fig. 4) representing whether the preparation of installation is completed;

a first installation unit, which installs the device driver in response to the preparation completion signal(col. 8 line 10 to col. 9 line 22; Fig. 4-7); and a storing unit, which copies and stores the device driver file (e.g. col. 10, lines 37-44 - see rationale in claim 1 regarding installing using a *device driver file* and storing the driver file).

As per claim 11, Chamberlain (in view of Faas) discloses wherein the second driver installation unit comprises:

an installation request examination unit, which examines whether a re-installation (see Fig. 4, 5;) of the device driver is requested and outputs an examination result as a second control signal (step 403, Fig. 4);

a driver examination unit, which examines whether a previously installed device driver exists in response to the second control signal and outputs another examination result as a third control signal (refer to second signal in claim 10);

a second installation unit, which re-installs the device driver using the stored device driver file in response to the preparation completion signal input from the second installation preparation unit (e.g. Fig. 4-7 – Note: Figure 4 patching step 415 reads on installation unit in response to preparation unit being completed – steps 407—411l, or spelling operation of Fig. 5-6).

Chamberlain does not explicitly disclose: a driver uninstallation unit, which uninstalls the previously installed device driver in response to the third control signal and outputs an uninstallation completion signal representing whether the uninstallation is completed; a second installation preparing unit, which prepares for re-installation of the device driver using the stored device driver file in response to the third control signal, or in response to the uninstallation completion signal, and outputs a preparation completion signal representing whether the preparation is completed. But the uninstall step has been addressed as obvious in claim 5; hence re-installation being responsive to the third signal output that uninstalling is completed would have been obvious using the same rationale.

As per claim 12, Chamberlain discloses a machine-readable storage storing at least one program controlling a computer according to a process comprising:

receiving a application product file from the outside, wherein the product file includes the

function to install the product in the computer (refer to claim 1);

installing the product in the computer using the product file (refer to claim 1); and

copying and storing the product file in the computer, after the installing of the product using the

product file (refer to claim 1), to reinstall the product without providing the product file from the

outside.

But Chamberlain does not disclose that (application software) product is device driver

and that the product driver file is device driver file; but this limitation has been addressed in

claim 1.

As per claim 13, refer to claim 2

As per claim 14, Chamberlain (in view of Faas) discloses wherein the installing of the

device driver comprises:

determining whether the device driver file is input;

preparing for installation of the device driver in the computer when it is determined that

the device driver file is input; and installing the device driver in the computer;

all of which having been addressed in claim 10.

As per claim 15, Chamberlain (in view of Faas) discloses generating a device driver re-

installation icon; and upon selecting the device driver re-installing icon (refer to claim 3), re-

installing the input device driver using the stored device driver file without accessing the input

device driver file (refer to claim 3 for re-installing after the device driver is copied and stored -

col. 10, lines 37-44).

As per claim 16, Chamberlain (in view of Faas) discloses wherein the allowing of the re-installation comprises:

determining whether the device driver is requested to be re-installed in the computer (col. 7 lines 45-53; step 403 Fig. 4);

determining whether a previously installed device driver exists in the computer (step 409, Fig. 4; Fig. 5-6) when determined that the device driver is requested to be re-installed in the computer; and re-installing the device driver in the computer using the stored device driver file step 415, Fig. 4; Fig. 7).

Chamberlain does not explicitly disclose: uninstalling the previously installed device driver, if determined that the previously installed device driver exists in the computer; preparing for reinstallation of the device driver in the computer using the stored device driver file, when determined that the previously installed device driver does not exist in the computer or after the previously installed device driver is uninstalled; but this un-installing step has been rendered obvious in claim 5.

As per claim 17, refer to claim 14.

As per claim 18, Chamberlain (in view of Faas) discloses wherein the installing of the device driver is performed after (steps 412, 414, 415 Fig. 4) the copying and storing of the device driver file is performed.

As per claim 19, Chamberlain (in view of Faas) discloses wherein the copying and storing of the device driver file is performed (col. 10, lines 37-44 – Note: maintaining a installer file for future reinstallation reads on keeping a copy thereof after first installation is performed) after the installing of the device driver is performed.

As per claim 20, Chamberlain (in view of Faas) discloses wherein the copying and storing of the device driver file and the installing of the device driver are performed, at the same time (col. 7, lines 54-61; Fig. 4).

As per claim 22, Chamberlain discloses a method of installing a product in a computer to drive a device that performs a predetermined function, the method comprising:

installing in the computer the product using a product provided from the outside, wherein the product file includes the function to install the product in the computer; and

copying and storing the product file in the computer, after the installing of the product in the computer using the product file, to reinstall the product without providing the device driver file from the outside; all of which limitations having been addressed in claim 1.

But Chamberlain does not disclose that product is device driver and that the product driver file is device driver file; but this limitation has been addressed in claim 1.

As per claim 23, Chamberlain discloses a system for installing a application product in a computer to drive a device that performs a predetermined function, the system comprising:

a computer readable medium located external to the computer, the medium including the application product and a application product file (e.g. package 213 – col. 7 lines 35-54; patch 301 – Fig. 4) that includes the function to install the application product in the computer;

a first driver installation unit installing the application product in the computer using the installation instructions of the application product file (refer to claim 1); and

a second driver installation unit storing the application product file in the computer after the installing in the computer of the application product using the application product file, to reinstall the application product (refer to claim 1, claim 19).

Response to Arguments

4.   Applicant's arguments filed 4/25/08 have been fully considered but they are moot in light

of the new grounds of rejection which have been necessitated by the Amendments.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The

examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is

assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before

using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-

272-3609.

Any inquiry of a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

July 02, 2008